

E-FILED on 4/3/07

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARTIN LUTHER OREN, et al.,

Plaintiffs,

v.

COUNTY OF SANTA CLARA, et al.,

Defendants.

No. C-05-05100 RMW

ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFFS' MOTION
FOR ORDER SHORTENING TIME;
CONTINUING PRETRIAL DATE
[Re Docket No. 67]


Plaintiffs have moved for an order shortening time to hear a motion for leave to file a fourth amended complaint to name nurse Hillary Dwyer as a defendant. In the alternative, they ask the court to decide their motion for leave to amend the complaint *ex parte*, without opposition by defendants. Defendants oppose plaintiffs' motion for order shortening time, noting that they intend to vigorously oppose plaintiffs' motion to amend.

The court agrees that defendants should be given the opportunity to oppose. Because the pretrial conference in this case is imminent, the court will hear plaintiffs' motion for leave to amend at the pretrial conference. But to give defendants an opportunity to prepare an opposition, the court will continue the date for the pretrial conference to April 27, 2007.

Accordingly, the briefing and hearing schedule shall be as follows:

1. The pretrial conference currently set for Thursday, April 12, 2007 at 2 p.m. shall be continued to Thursday, April 26, 2007 at 2 p.m. However, the parties pretrial filings are due on the current pretrial conference schedule. For example, oppositions to the parties' numerous motions in limine shall be filed as if the pretrial conference were still set for April 12, 2007.
2. Defendants' opposition to plaintiffs' motion to amend shall be filed no later than Tuesday, April 17, 2007.
3. No reply shall be filed.
4. The court will hear plaintiffs' motion for leave to amend at the pretrial conference on Thursday, April 26, 2007.
5. The trial shall remain as currently scheduled on May 7, 2007, unless further notice is received by the parties from the court.

DATED: 4/3/07


RONALD M. WHYTE
United States District Judge

1 Notice of this document has been electronically sent to:

2 **Counsel for Plaintiff:**

3 Christopher Banys banysc@howrey.com
 4 Colleen Duffy Smith cduffysmith@mfmlaw.com
 5 Neda Mansoorian nmansoorian@mfmlaw.com
 James McManis jmcmanis@mfmlaw.com
 David Joseph Perez dperez@mfmlaw.com

6 **Counsel for Defendants:**

7 Neysa A. Fligor neysa.fligor@cco.sccgov.org
 8 David Michael Rollo david.rollo@cco.sccgov.org
 9 Thomas E. Still tstill@hinshaw-law.com

10 Counsel are responsible for distributing copies of this document to co-counsel that have not
 11 registered for e-filing under the court's CM/ECF program.

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 13 **Dated:** 4/3/07

/s/ MAG
 14 **Chambers of Judge Whyte**